

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

AMY WRIGHT,

Plaintiff,

v.

GEORGIA CVS PHARMACY,
LLC; CVS HEALTH SOLUTIONS
LLC; CVS PHARMACY INC.; and
CVS PHARMACY STORE #4251,

Defendants.

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CIVIL ACTION

FILE NO. _____

DEFENDANTS' NOTICE OF REMOVAL

Pursuant to 28 U.S.C. Sections 1441 and 1446, **GEORGIA CVS PHARMACY, LLC, CVS HEALTH SOLUTIONS LLC, and CVS PHARMACY INC.,** (hereinafter, "Defendants"), by and through their attorneys, submit this Notice of Removal to the United States District Court for the Middle District of Georgia, and state the following in support of this Notice of Removal:

1. On or about **April 23, 2021**, Amy Write commenced a civil action in the Superior Court of Baldwin County, State of Georgia, Amy Wright v. Georgia CVS Pharmacy, LLC, CVS Health Solutions, LLC, CVS Pharmacy, Inc., CVS Pharmacy Store #4251, Civil Action Number: SUCV2021050011.

2. The Complaint in this action was served on Defendants on April 26, 2021.

4. A true and correct copy of the Complaint and all process, pleadings, discovery, and orders served upon Defendants in this action is attached as **Exhibit A**.

5. The time for filing this Notice of Removal under 28 U.S.C. § 1446 has not yet expired.

6. Removal of this action is based upon 28 U.S.C. § 1441 in that this is a civil action brought in a state court of which the district courts have original jurisdiction under 28 U.S.C. § 1332.

7. There is complete diversity of citizenship between Plaintiff and Defendants in this action because: (a) Plaintiff is citizen of the State of Georgia; and (b) Defendant Georgia CVS Pharmacy, LLC is a Georgia limited liability company with CVS Pharmacy, Inc. as its sole member. CVS Pharmacy, Inc. is a foreign corporation with its principal place of business in Rhode Island and incorporated in Rhode Island. Defendant CVS Health Solutions LLC is a Delaware limited liability company with its principal place of business located at 151 Farmington Ave., RW61, Hartford, CT 06156. CVS Health Solutions LLC's sole member is CVS Pharmacy,

Inc. To the best of Defendants' knowledge, CVS Pharmacy Store #4251 does not exist and is an improperly named defendant in this matter.¹

Because Georgia CVS Pharmacy, LLC and CVS Health Solutions LLC are limited liability companies, they are each considered "a citizen of any state of which a member of the company is a citizen." Mallory & Evans Contrs. & Eng'rs, LLC v. Tuskegee Univ., 663 F.3d 1304, 1305 (11th Cir. 2011). See also, Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C., 374 F.3d 1020, 1022 (11th Cir. 2004) (citing Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir. 1998)) ("[W]e conclude that the citizenship of an LLC for purposes of the diversity jurisdiction is the citizenship of its members."). As such, CVS Pharmacy, Inc., Georgia CVS Pharmacy, LLC, and CVS Health Solutions, LLC are each considered a citizen of Rhode Island for purposes of diversity jurisdiction.

8. Based upon Paragraph 14-16 of Plaintiff's Complaint, which states that Plaintiff suffered "severe, painful, and partially disabling injuries," she seeks future medical expenses and pain and suffering, and she has incurred \$12,922.06 in past medical expenses to date, Defendants have a good faith belief that the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

¹ Defendants contend that CVS Pharmacy, Inc., CVS Health Solutions, LLC, and CVS Pharmacy Store #4251 are improperly named defendants in this case.

WHEREFORE, Defendants respectfully request that the Court enter an Order removing Civil Action Number SUCV2021050011 of the Superior Court of Baldwin County, State of Georgia, to this Court for further proceedings and that this Court take jurisdiction herein and make such further orders as may be just and proper.

This 26th day of May, 2021.

Respectfully submitted,

BENDIN SUMRALL & LADNER, LLC

/s/ Carrie A. Moss

BRIAN D. TRULOCK

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Counsel for Defendants

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date served a true and correct copy of the foregoing **DEFENDANTS' NOTICE OF REMOVAL** upon all parties to this matter by electronically filing a copy of same with the Clerk of Court using the NextGen filing system which will automatically send notice to the attorney(s) of record, properly addressed to the following attorneys of record:

Donald J. Jordan, Esq.
Hannah H. Gabriel, Esq.
ADAMS, JORDAN & HERRINGTON, P.C.
jjordan@adamsjordan.com
hgabriel@adamsjordan.com
Counsel for Plaintiff

This 26th day of May, 2021.

/s/ Carrie A. Moss

BRIAN D. TRULOCK

Georgia Bar Number 559510

CARRIE A. MOSS

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Counsel for Defendants